

Please Direct All Correspondence to Customer Number **20995**

### NOTICE OF APPEAL

FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Eiji Kato et al.  
 App. No : 10/791,164  
 Filed : March 2, 2004  
 For : OFF ROAD VEHICLE WITH AIR  
 INTAKE SYSTEM  
 Examiner : Hau Van Phan  
 Art Unit : 3618

#### CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

December 2, 2008

(Date)

/Michael Guiliana/

Michael A. Guiliana, Reg. No. 42,611

#### Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 2, 2008 finally rejecting Claims 31-32, 37 and 39.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	1401 (\$540)		\$540
3 Month Extension	1.17(a)(3)	1253 (\$1,110)		\$1,110
2 Month Extension of time fee (\$490) has been paid with Amendment filed on November 3, 2008				\$-490
			<b>TOTAL FEE DUE</b>	<b>\$1,160</b>

- (X) An extension of time is hereby requested by payment of the appropriate fee indicated above.
- (X) The amount of \$1,160 will be paid via EFS Web.

Docket No.: FY.51039US1A  
App. No.: 10/791,164

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: December 2, 2008

/Michael Guiliana/

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